

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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ALPHA CEPHEUS, LLC
FIRST UNITED HEALTH, LLC,
CONSTELLATION HEALTH, LLC
NAYA CONSTELLATION HEALTH, LLC and
CONSTELLATION HEALTH INVESTMENT,
LLC,

Plaintiffs,

Docket No.: 18-cv-14322

-against-

AFFIDAVIT IN
SUPPORT

CHINH CHU,
TRUC TO,
DOUGLAS NEWTON,
JAMES STEPIEN,
VICTOR CARDONA, and
JOHN DOE 1-10,

Defendants.

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STATE OF NEW JERSEY)
) SS.:
COUNTY OF HUDSON)

PAUL PARMAR, duly sworn, deposes and says:

1. I am the Manager of the Plaintiff entities in the above captioned action and make this affidavit in support of Plaintiffs' Order to Show Cause for a Preliminary and Permanent Injunction against Defendants, as well as for limited expedited discovery to identify additional participants in Defendants' illegal activities.

2. This Affirmation is based on my personal knowledge and, where stated, information and belief.

Background

3. In and around October 2017, I received a message from Defendant Chinh Chu, through a mutual friend, that some of the investors he was working with were members of the “Chinese Mafia.” Chinh Chu claimed that because the “Chinese Mafia” had lost money on their investment, “this will not end with Paul just going to jail,” implying that they would have me killed.

4. Soon thereafter, I met with Chinh Chu on his boat with our mutual friend. During this meeting, Chinh Chu told us that he employs ex-NSA and ex-CIA agents, that he can hack into anyone’s network, laptop and phone, and that, if anyone crosses him, they can kidnap the person and interrogate him till they get all the information.

5. Although I have no personal knowledge of whether Chinh Chu was actually working with the “Chinese Mafia,” I took him seriously and considered the communication to be a death threat. I reported these two incidents to the FBI. I am unaware of what, if any, investigations or actions have been taken by the FBI because of this report.

6. Not long afterwards, I met with John Altorelli, an attorney for Chinh Chu, who asked me, “Paul where do you sleep nowadays?” I replied the same place

as always, to which he responded, “aren’t you afraid that someone will put a bullet into the back of your head?”

7. I was subsequently arrested, based on claims that Chinh Chu had made to federal investigators, and held in Essex County Correctional Facility. During that time, I wanted to ensure that the prior death threats were on record, so I discussed them on recorded prison phone calls with the mutual friend who witnessed both statements by Chinh Chu.

8. On information and belief, the Department of Justice, FBI and U.S. Attorney’s Office for the District of New Jersey have reviewed all of these recorded calls and are fully aware of these facts. Additionally, on information and belief, our mutual friend has subsequently met with prosecutors and presumably confirmed this information for them.

Surveillance and Hacking

9. Since my release on bail, I have been confined to my home and have left solely for the purpose of visiting with my attorneys. As outlined in the Complaint in this action, there has been a surveillance team of at least three cars outside of my house for the past several weeks. These cars have been following my family members whenever they leave but have made no secret of their presence. Rather than conduct their surveillance activities surreptitiously, they have been quite

intentional in ensuring that my family members are aware that they are being followed.¹

10. My family has contacted the Colts Neck Police Department about this activity and has been informed that there is a three-car team of private investigators that registered to conduct surveillance on my home.

11. On September 11, 2018, the car registered to, and driven by Defendant James Stepien followed Elena Sartison from Colts Neck to a horse farm in neighboring Marlboro Township. Stepien then followed Ms. Sartison up the driveway and into the farm, trespassing on private property. When confronted, he laughed and sped off, throwing dirt into the air from the gravel driveway.²

12. Upon learning that the house was being surveilled, and remembering Chinh Chu's comments about his habit of hacking into people's computers, I looked at the logs for my home server and discovered that, during the same time that Defendants Stepien and Cardona were conducting surveillance outside of my front gate, someone hacked into the home server from the front gate and downloaded a large amount of data. The logs showed that, at various times and dates between

¹ A photo of Defendant Victor Cardona's car parked in a private driveway directly across the street from my driveway is annexed hereto at Exhibit "A."

² A photo of Defendant Stepien's car on the private property of the horse farm is annexed hereto at Exhibit "B." A copy of the police report filed with the Marlboro Police Department is annexed hereto at Exhibit "C."

September 7 and September 11, 2018, multiple “android” devices accessed the system and downloaded well over 50 GB of data.

13. When a digital forensic examiner later came to investigate the hack, they found that whoever conducted the hack had also attempted to delete all of the access logs prior to September 11, 2018. The forensic investigation is ongoing, with significant identification data having already been recovered that will help to tie Defendants conclusively to this hack and identify what data files were stolen.

14. This hack, a clearly criminal violation of 18 U.S.C. §2511 and 18 U.S.C. §2701, was reported to AUSA Paul Murphy of the U.S. Attorney’s Office for the District of New Jersey. Unfortunately, it appears that no investigation is being pursued into this clear violation of federal law, as the only suspect who possesses both the means and motive to commit these criminal acts is their alleged “victim,” Chinh Chu.

15. On October 3, 2018, I went out for a morning walk around my property, as authorized by the Court in modifying my conditions of release. As I approached the front gate, I saw a green Jeep Cherokee parked outside my gate and man smoking cigarettes. I asked him, “Hello, Good Morning. Can I help you?” He seemed startled to see me and, as he got back into his car, he said “aren’t you supposed to be inside your home? Does your Parole Officer know you are walking around outside your house?” Before I could respond, he got into his car and sped off.

Incident After Filing the Instant Complaint

16. On the morning of October 10, 2018, the Defendants were served with a copy of the instant complaint.

17. I went to Hoboken that day to visit with my attorney. I left my attorney's office at 6pm and took the train home. My train arrived in the Hazlet NJ train station at approximately 7:40pm and I walked across the parking lot towards the main road. As I reached the main road, I heard someone following me and called my name – "Paul, we need to talk." What followed was the most intense, intimidating interaction I have ever had in my life.

18. I was approached by two Asian men. I asked if they were there to kill me, to which they responded no. They said they just wanted to talk and wanted to show me something. One of the men pulled out a file folder and showed me surveillance photos of my family leaving my house and of the schools where my niece and nephew attend. The other man explained that they had been watching everyone regularly for over 6 months and knew everyone's routines. I said please understand none of these people have done anything or even know anything, he said they do not care,

19. The man told me not to be a fool and call the cops, like what my brother-in-law and "the stupid Russian girl" did three weeks back. He said that was "not smart at all."

20. The man told me that I needed to take a plea and admit to all the charges against me. He said it is in my best interest to stop “all the bullshit” and admit to everything and start paying restitution. At this point he told me to go home think through what is best for me and my family, do not be stupid, admit to all charges, and end this right away. The men then left me and walked away.

21. I was extremely shaken by this clear threat against me and my family. It is clear that this threat was communicated on behalf of Chinh Chu, as he is the only person who has both the means and the motive to hire a team to surveil, threaten and intimidate me into pleading guilty. Additionally, since my arrest and release, Chinh Chu has sent me multiple messages, through mutual friends, that I need to stop fighting this case and just focus on taking a plea.

22. This incident was reported to both local law enforcement, as well as the FBI and U.S. Attorney’s Office. While the local police are investigating, it appears that the federal investigators are again declining to conduct any investigation that would expose their alleged victim, Chinh Chu, as the mastermind behind this criminal activity.

Conclusion

23. As a result of these incidents, my family and I are absolutely terrified. My sister is considering pulling her children out of school and planning on taking them away until the threat subsides. Having seen no action taken by the federal authorities to whom I have reported these incidents, I am forced to pursue civil remedies through this process. In order to protect me and my family, I need a judicial order prohibiting Chinh Chu and the Defendants from continuing this unlawful conduct. Additionally, I need expedited discovery on the limited issue of identifying additional participants in this illegal scheme, to ensure that all of the appropriate parties are identified and brought before this Court.

24. For all of these reasons, I respectfully request that this Court grant our requested relief.

Dated: October 19, 2018
Hoboken, New Jersey

Respectfully submitted,



Paul Parmar

Sworn to before me this 19th
Day of October 2018


NOTARY PUBLIC

Timothy C. Parlato
NOTARY PUBLIC, STATE OF NEW
JERSEY
Commission # 50033495
My Commission Expires March 1, 2021